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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/840,767

04/23/2001

J. Graham Mobley

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05/04/2006

SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

BROWN, RUEBEN M

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/840,767	Applicant(s) MOBLEY ET AL.	
	Examiner Reuben M. Brown	Art Unit 2623	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6 and 8-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6 & 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/21/06 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 6 & 8-9 & 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown, (U.S. pat # 6,523,177), in view of Dial, (U.S. Pat # 5,765,097).

Considering amended claim 1, the claimed communication system for transmitting forward & reverse signals, the communication system comprising:

‘a plurality of terminals for providing reverse optical signals, such that the reverse optical signals are transmitted in an analog format’ reads on the plurality of terminal in Brown that transmit reverse signals in analog format, see Figs. 1-3; col. 4, lines 3-17.

‘reverse transmitter for receiving the reverse optical signal into a single port and for providing a combined reverse optical signal in a digital format’ and converter for converting to digital, is met by the node 400 and A/D converter 410 which receives the reverse optical signals and converts from analog/digital, col. 4, lines 17-30.

‘carrier-detect circuit coupled to the converter for detecting the presence of each reverse optical signal received’, is necessarily included in the operation of the node 400. However, Brown does not teach the additional claimed features of the ‘delay circuit’, ‘switch coupled to the delay circuit’ and ‘controlled by the carrier detect’. Nevertheless, Dail, teaches the claimed subject matter’, see Fig. 3 & 4; col. 8, lines 4-60. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Brown the features of Dail, at least for the desirable benefit of reducing the signal noise ration as, as taught by Dail, col. 2, lines 34-50.

Regarding the additionally claimed feature of , ‘wherein the reverse transmitter provides the combined reverse optical signal in a single wavelength only in the presence of the detected reverse optical signal’ is met by the operation of Brown, col. col. 4, lines 25-51.

Considering claim 3, Brown includes a plurality of reverse transmitters, a digital network coupled to the transmitters, a receiver coupled to the digital network for receiving the combined reverse optical signals and converting the reverse optical signals to analog reverse optical signals, see col. 4, lines 55-67. ‘A headend that receives and process the analog RF signals’, is also met by Brown, col. 4, lines 53-67 & Fig. 3, headend 460. The claimed ‘burst-mode’ feature also reads on the operation of Brown, since the data is transmitted in packet format, which require the use of header identifier information.

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Considering claim 6, the claimed elements of a communications system, corresponds subject matter mentioned above in the rejection of claim 1, and is likewise rejected.

Considering claim 8, see Brown col. 4, lines 15-30, which discloses an A/D converter 410.

Considering claim 9, the packet transmission technique of Brown necessarily meets the claimed subject matter, col. 4, lines 29-35.

Considering claim 12, both Brown & Dial are hybrid fiber coax systems.

4. Claims 4-5, 10-11 & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown & Dail, In view of LaJoie, (U.S. Pat # 5,850,218).

Considering claims 4 & 10-11, Brown is directed to a CATV system that transmits analog & digital signals, but does not disclose a digital and analog headend. Examiner points out that the claimed feature is broad enough to read on a single headend that receives both digital and analog signals. LaJoie provides a teaching of a headend that receives both analog and digital signals., (Col. 2, lines 58-67; col. 19, lines 41-67 & col. 11). It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Brown with the

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teachings of LaJoie, for the desirable advantage of providing a wider range of services to the consumer.

Considering claim 5, the signals in LaJoie necessarily include an addressing means in order to address the data to the proper recipient systems.

Considering claim 13, Brown does not discuss avoiding collision of reverse signals. Official Notice is taken that such a technique was well known in the art at the time the invention was made. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Brown with the feature of collision avoidance, at least for the desirable improvement of a more efficient transmission system.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Levinson, Feldman Single wavelength technology.

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Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown



**REUBEN M. BROWN
PATENT EXAMINER**